

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	WC Docket No. 21-450
)	
Affordable Connectivity Program)	

AT&T PETITION FOR LIMITED WAIVER

AT&T Services, Inc., on behalf of its affiliates, AT&T Mobility LLC and New Cingular Wireless PCS, LLC (collectively, “AT&T Mobility”), hereby requests pursuant to section 1.3 of the Commission’s rules, 47 C.F.R. §1.3, an expedited grant of a limited and temporary waiver of section 54.1802(b) for postpaid mobile broadband services offered by AT&T Mobility.

Specifically, AT&T Mobility requests a 120-day waiver from April 15, 2022, to comply with section 54.1802(b), also known as the “all plans” requirement, to apply the Affordable Connectivity Program (“ACP”) benefit to its postpaid mobile broadband plans. AT&T Mobility participated in the Emergency Broadband Benefit (“EBB”) Program with select prepaid mobile broadband plans and intends to participate in the ACP for both its prepaid and postpaid mobile broadband services. As described in more detail below, the requested waiver serves the public interest and will not undermine the purpose of ACP. Granting the waiver will provide AT&T Mobility the necessary time to modify its systems to comply with all the ACP requirements for its postpaid mobile broadband plans and allow its eligible prepaid mobile broadband customers to continue to receive the ACP benefit.

Pursuant to section 54.1802(b), an ACP participating provider “may allow an eligible household to apply the affordable connectivity benefit to any residential service plan selected by

the eligible household.”¹ The effective date for this rule is April 15, 2022. Unlike the ACP, providers participating in the EBB program selected the plans to apply the EBB Program benefit, provided that the broadband internet access plan was available as of December 1, 2020.² Starting December 31, 2021, the Commission waived the requirement that the plan had to be available as of December 1, 2020, but ACP participating providers are not required to apply the ACP benefit to “all plans” until April 15, 2022.³

AT&T Mobility LLC and New Cingular Wireless PCS, LLC are ACP participating providers as they were automatically transitioned from the EBB Program to ACP.⁴ AT&T Mobility offers prepaid and postpaid mobile broadband plans. The ACP benefit, and previously the EBB Program benefit, have not been available on AT&T Mobility plans that include postpaid mobile broadband service. AT&T Mobility previously offered the EBB Program benefit on select prepaid mobile broadband plans and now offers the ACP benefit on all prepaid mobile broadband plans. AT&T Mobility has enrolled tens of thousands of households in ACP on its prepaid mobile broadband plans which includes those households that transitioned from EBB.

AT&T has devoted substantial resources to implement all the ACP requirements, including the requirement to apply the benefit to “all plans.” AT&T is already offering the ACP benefit on its current and most legacy plans for AT&T Home Internet, Cricket and AT&T

¹ 47 C.F.R. §54.1802(b)

² 47 C.F.R. §54.1600(s)

³ *Emergency Broadband Benefit Program; Affordable Connectivity Program*, WC Docket Nos. 20-455 and 21-450, Order, DA 21-1654 (WCB Dec. 30, 2021), para. 11 (“Until the Commission’s new ACP rules are effective, the EBB Program rules will continue to govern to the extent provided herein.”); see also, *Emergency Broadband Benefit Program; Affordable Connectivity Program*, WC Docket Nos. 20-455 and 21-450, Order, DA 21-1524 (WCB Dec. 8, 2021), para. 7 (Beginning with the start of household enrollments in ACP on December 31, 2021, “we find it in the public interest to waive the EBB Program December 1, 2020 limitations on eligible internet service offerings and standard rates to enable providers to offer discounts on any of their internet service offerings to participating households. This interim waiver extends until the Commission enacts final rules governing the Affordable Connectivity Program.”)

⁴ *Affordable Connectivity Program; Emergency Broadband Benefit Program*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket Nos. 21-450 and 20-445 (rel. January 21, 2022), ¶247.

Mobility prepaid mobile broadband plans, and it will comply with the requirement to apply the benefit to all broadband plans for these services by April 15, 2022. AT&T Mobility, however, did not participate in the EBB Program for its postpaid mobile broadband plans and is encountering difficult challenges in implementing the various ACP requirements for these plans.

For the reasons discussed below, AT&T Mobility requests that the Commission waive section 54.1802(b) for 120 days from April 15, 2022, for AT&T Mobility postpaid mobile broadband plans. This request is consistent with the Commission's well-established precedent for waivers in specific cases when special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.⁵

AT&T Mobility is working diligently to apply the ACP benefit to its postpaid mobile broadband plans and comply with the multitude of ACP requirements. As the systems AT&T Mobility utilizes for its postpaid mobile broadband plans are generally separate from those that support its prepaid mobile broadband plans, including billing systems, it is playing catch-up to ensure that these systems can support all the ACP requirements.

One of the biggest challenges is applying the ACP benefit to many of AT&T Mobility's hundreds of postpaid mobile broadband plans. AT&T Mobility has been working to develop capabilities in its two billing systems to apply the ACP benefit to its hundreds of active and legacy/grandfathered postpaid mobile broadband plans. While already a complex undertaking, this development work is further complicated by the need to apply the benefit after all other discounts and promotions. This logic is unique to ACP – it is not necessary for other discounts and promotions. Without this waiver, until system work is complete, AT&T Mobility would be required to manually calculate and then monthly enter the ACP benefit on possibly thousands of

⁵ 47 C.F.R. §1.3; *Northeast Cellular Telephone Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

customer's legacy/grandfathered bills. Even if AT&T Mobility was able to cobble together a manual process, a manual process of this scope and complexity substantially increases the risk of errors.

Once all the upgrades to the billing systems are complete, extensive end-to-end testing is required that includes other systems that interact with the billing system. This testing is necessary to ensure that the benefit is applied correctly to the various plans and that there are no unintended consequences. While AT&T Mobility will condense the testing for ACP, testing for all bill cycles (which occur throughout the month) is standard protocol to ensure accurate billing for our customers.

In addition to system modifications required to apply the benefit to all postpaid mobile broadband plans, development work needs to be completed to comply with the various other ACP requirements, including the ability to retain documentation to demonstrate compliance. For example, system development work must be completed to automatically remove the ACP benefit for those customers that have transferred their benefit to another provider or are no longer eligible to receive the benefit for other reasons. As another example, system development must be finished on automated support for processing claim reimbursement amounts. This system support is required because there will be different claim amounts based on the individual customer's plan along with the other discounts and promotions applicable to that customer on that plan.

The requested 120-day waiver is necessary and appropriate due to the significant number of applications impacted by the ACP requirements. Numerous applications are impacted by the ACP requirements such as ordering, customer relationship management, benefit automation trigger mechanism, online account management, middleware and backend systems.

Architectural design, solutioning, and development are required for the impacted applications. Many of the applications have fixed release schedule for modifications and do not accommodate ad hoc releases. Further, as described above, testing must also occur. Even with this 120-day waiver request, AT&T Mobility is working on an expedited timeframe for a project of this size and scope.

The significant challenges impacting AT&T Mobility's implementation of the ACP benefit and corresponding rules for postpaid mobile broadband plans represent a special circumstance that warrants a temporary deviation from the general rule. The requested waiver is consistent with the public interest and will not have an impact on current AT&T customers participating in ACP. The waiver will also not have a material impact on the ability of households to receive the ACP benefit as the waiver is for a limited time and only impacts a subset of AT&T's customers. AT&T Mobility has not offered the EBB or ACP benefit on postpaid mobile broadband plans to date, so the benefit is not being removed from these customers. In contrast, if AT&T Mobility no longer participates in ACP, it would directly impact tens of thousands of AT&T Mobility prepaid mobile broadband customers that are currently enrolled in ACP and it would impact those prepaid mobile broadband customers that seek to enroll in these plans in the future. Therefore, it is in the public interest for the Commission to grant this requested waiver.

AT&T Mobility continues to work diligently to comply with all the ACP requirements. However, for the foregoing reasons, AT&T Mobility requests an expedited grant of a 120-day waiver of section 54.1802(b) for its postpaid mobile broadband plans.

Respectfully submitted,

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